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MARRIAGE

C. G. 585 The marriage customs of the Georgians are regulated by Christianity. The wedding rites go back to the ceremony of the Byzantine court: crowns are held over the heads of bride and groom, who are addressed as "queen" and "king." After the ceremony in the church the wedding is celebrated publicly in the house of the bride; the feast may last several days. Then the bride is brought to the house of the groom in a noisy procession on horseback. She is welcomed by her mother-in-law, who puts a lump of sugar or other sweets into her mouth; then she is led around the hearth, and a male child is put on her knees to ensure fecundity. The Georgian mountaineers (especially the Khevsur) have to a certain extent preserved customs similar to those found among the N. Caucasian mountaineers.

C. 583 The marriage customs of the North-Caucasian peoples (including the Ossetes) were only to a minor extent influenced by Islam or Christianity, and preserved older traits. In the whole area from the N. W. to the Andi-Dido region in Dagestan, there are clear traces of a tradition of acquiring brides by capture and abduction. At the same time, in the whole N. Caucasus the custom of paying a bride

C. 581 price (R. kalym) prevailed. Originally, the personal preference of the girl was not taken into account at all, the marriage being arranged by her family on the basis of social or

581 economic considerations. In more recent times, under the influence of Islam, Christianity, and also of the Soviet regime, it has become a more important factor.

583 The mixture of various traditions can be exemplified by the Circassian usages. It was customary for the suitor, with the help of his comrades, to abduct his bride from the house of her parents. Often the kalym had been agreed upon beforehand, but the family of the bride nevertheless put up a token of resistance against the abduction. In cases where the family was against the marriage, 582 elopement was not uncommon. A night spent by the girl with her abductor made her his lawful wife according to the Circassian adat; later, a marriage contract drawn up by the mullah gave the marriage its legal sanction; now, marriages are regulated by Soviet law.

In Dagestan, local endogamy is observed more or less strictly; in the rest of the N. Caucasus, and also among the Georgian mountaineers, exogamous rules prevail.

[587] Formerly, the levirate and stepmother-inheritance were widespread among the Caucasian mountaineers; there was also a strong insistance upon marrying within one's social rank.

585 Among all the Caucasian mountaineers observing exogamy, there existed a variety of avoidance rules. E. g., the bridegroom would hide during the wedding feast and afterwards only secretly visit his wife, who after

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595 (1) Custom permits *all* North Caucasians and their neighbours, whether Christian or Mohammedan, to marry more than one wife. The Tartars near the city of Derbend in the eighteenth century are the only exception, but even in this single case, it ist not certain whether they were monogamists *de jure* or only *de facto*.

[177] (2) Everywhere polygyny is *pre-Islamic*, even if previous to their conversion to Islamism the particular tribe happened to be Christian. We might rightly, therefore, inquire into the possible origin of polygyny in the Caucasus. Polygyny, if borrowed at all, was not borrowed as an *isolated* institution. On the contrary, it seems to be a North Caucasian possession, first of all, as old as the practice [594] of levirate (*infra*, pp. 71—75). Furthermore, it seems to be a North Caucasian [614] cultural possession as old as the economic, social, and religious structure of the North Caucasian family itself. Here we understand "family" in its broad sense, including the joint-family and sib. We cannot now describe this family structure in detail. Briefly, by "the economic, social, and religious structure of the family" we understand that the family in North Caucasia has been and in many places still is the *raison d'être* of the individual.[30a] Whatever the individual does or whatever is done to him or for him has only one aim, the perpetuation and [581] prosperity of the family. Now, in the mind of the North Caucasian, polygyny is an immense asset and at times absolutely indispensable for the economic, social, and religious life of the all-important and solely-important family.

593 *Economically* considered, the wife is extremely important. In the North
562 Caucasus it is the wife who does most of the work (*infra*, pp. 156—159). In fact, sometimes a rich Avar will marry a son to a poor girl or to a widow of a lower class, with whom he is forbidden all communication, in order to have an additional worker in the house.[31] Moreover, a wife is not only a *worker*; she 842 is the "*worker-producing*" organ of the family. Even though boys are preferred (*infra*, pp. 159 ff), girls prove to be good and valuable workers and bring in, at times, a large brideprice (*infra*, pp. 82—91). Now, the more wives there are in the household, the more "worker-producing" organs there are, and by that very fact, at least in the mind of the natives, the family becomes so much the more economically healthy and secure.

The *religious* structure of the family may have contributed just as much to [769] the rise of polygyny as did the economic form of life. The most sacred duty of the individual and of the individual family is, or at least has been, to perpetuate itself, and thus to perpetuate the cult of the ancestors. It is a fact throughout North Caucasus that only a *son* can perpetuate the family and prevent the greatest calamity imagineable, its extinction. But a wife is precisely the "*boy-producing*" organ. If this organ is lacking or fails to function the family is doomed. Today one of the main motives for taking a second wife is sterility.[32] Or again, a second wife will be acquired if the first gives birth only to girls.

[30a] According to ancient customary laws.

[31] L'vov, *op. cit.*, p. 19.

[32] Cf. K. Maćavariani, "Nĕkotoryja čerty iz žizni Abchazcev. Položenie ženščiny v Abchazii," SMOMPK, IV (1884), No. 2, p. 42. E. G. Pčelina, "Rodil'nye obyčai u osetin," SE, 1937, No. 4, p. 88.

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We may go a step further and say that if it is the wife who secures the family economically and religiously, the family will be respected by others in proportion to the number of mothers it has. In a word, the *social* status of the family depends on the economic and religious status, and these in turn depend very much on the number of wives. Doubtless, investment in wives is the best investment of any North Caucasian family.

Polygyny being part and parcel of the family organization of the North Caucasian peoples, we must, therefore, in seeking the origin of the institution, go back beyond Islamic times, beyond Christian and Avestic times, and perhaps beyond historical times. North Caucasian polygyny was born when the North Caucasian family organization was born.

A corollary to the question regarding the origin of polygyny in North Caucasia is the enquiry into the motives for polygynous unions. The sexual factor has relatively little significance. Not lust, not desire to have a young wife, not a surplus of women, but craving for a large family, for many labourers, for economic and religious prepetuation of the family, for the rise in social prestige—these are the motives that generally induce a man to marry a second wife.

(3) A glance at Table 5 under the columns "Usually restricted to bigyny" and "Enjoyed by rich alone" will reveal that plural marriages among the North Caucasian peoples and their neighbours are usually cases of *bigamy* and that polygyny is more the exception than the rule. This state of affairs would seem to contradict what we have just said about the importance of polygyny. Why is this all-important institution practiced only by a *few* and generally *limited* to one and at the most two additional wives? Why this difference in theory and practice? This fact is all the more striking because all our North Caucasian peoples are Mohammedans and according to the Koran, iv. 3 and Islamic tradition everyone is entitled to have up to four wives.

The first reason, and no doubt, the most important one is that Nature herself prevents universal polygyny. The relative number of males and females is dictated by a biological law, the sex ratio rarely exceeding 100:110 in favour of either sex.[32] Usually the ratio is 106 males to 100 females, but, we must remember, child mortality is far greater among boys than girls, so that in the long run the ratio of marriageable persons is about 100:100.[34] Nowhere in the world does it approximate a 1:2 ratio, which would be necessary to make bigyny a general practice.[35]

Theoretically speaking, a surplus of women could result in the Caucasus from blood-feuds, dangerous occupations, infanticide, and other major disturbances affecting the *male* population alone. Such a preponderance of female sex would necessitate many of them remaining unmarried or several women would be obliged to marry one man. But are there such major disturbances affecting the sex ratio in the Caucasus? Since the Soviet government prohibits polygyny and in recent decades polygyny has become extremely rare, it would seem much

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[32] R. H. Lowie, *An Introduction to Cultural Anthropology*, (New York, 1947), p. 243.
[34] Günther, *Formen und Urgeschichte der Ehe*, p. 100.
[35] R. H. Lowie, *Social Organization*, p. 113.

587 deceased."[5] The levirate among the mountaineers of Daghestan was completely optional.[6]

SOUTHERN CAUCASIANS. The only time a widow of Svanetia is free from the obligation of entering upon a levirate union, according to Bodenstedt,[7] Dubrovin[8] and others, is when she actually does not have a brother-in-law. Among the Khevsurs, on the contrary, levirate was optional.[9]

About ninety years ago the Russian Military Government tried to abolish the practice in OSSETIA, but with very little success. Widows continued to be automatically married to their husbands' brother or father.[10] If the widow refused to comply, she was driven out of the house and had to remain unmarried for the rest of her life.[11] In the first half of the nineteenth century not even the brother of the deceased person was free, even if he already had a wife.[12]

[591] According to Ossetine customary law the levirate was formerly regarded merely as a continuation of the first marriage, which was indissoluble. The children born of the new union belonged to the deceased; the children were even named after the deceased; they were rightful heirs of the deceased! If the widow did not have a father-in-law or brother-in-law she had to remain unmarried; she might, however, live in lawful concubinage and all children born would be considered legitimate and true sons and daughters of the departed.[13]

In spite of the express prohibition of obligatory levirate by Islamic law and in spite of the measures taken by the Russians, the levirate continued to be the general practice almost to our own times.[14] The difference between recent practice and that of old consists mainly in the binding force of the *adats*. Although the actual practice was perhaps at its height about fifty years ago, its binding force had begun to lose ground long before that time. Around 1890 Kovalevskij observed that the levirate was obligatory only for *near* relatives, otherwise such marriages were optional,[15] and today the binding force has disappeared completely.[16]

Finally, a word about a rare form of preferential mating, rare at least in the Caucasus, the sororate. Practically all reports on cases of sororate refer to the Ossetes. Kovalevskij implies that the practice is also in accord with Lesghian *adats*. Abercromby claims that "an Avar is permitted to marry his

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[5] Leontovič, II, p. 169, § 117.

[6] Kovalevskij, *Zakon* II, p. 175.

[7] F. Bodenstedt, *Die Völker des Kaukasus*, I, p. 282.

[8] Dubrovin, *Istorija*, I, ii, p. 109.

[9] Cf. Eristov, "O Tušino-Pšavo-Chevsurskom okruge," ZKO, III (1855), p. 113. Essad-Bey, *Der Kaukasus etc.*, p. 263.

[10] The inheritance of a deceased *son's* wife is not unknown even today (Byhan, *La civilisation caucasienne*, p. 226).

[11] Leontovič, II, p. 50, § 14. Sometimes she would be granted permission to remarry.

[12] Dubois de Montpéreux, *Voyage autour du Caucase*, IV, p. 449. Kovalevskij, *Coutume temp.*, p. 180.

[13] Baron A. von Haxthausen, *Transkaukasia* (Leipzig, 1856), pp. 402 ff.

[14] Cf. Juynboll, *Handbuch des islamischen Gesetzes etc.*, p. 184. Baddeley, *op. cit.*, I, p. 271.

[15] *Coutume contemp.*

[16] Byhan, *op. cit.*

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587 (4) We must disagree with Kovalevskij in his interpretation of the levirate as a vestige of former group marriage.[20] Without offering us any evidence, he takes up the theories of Morgan and Frazer and applies them to the Caucasus. Such an institution as "group marriage" exists nowhere in the world, and to imagine that it has ever existed is mere fancy. In an attempt to explain the origin of preferential mating in the Caucasus we should lay aside all guesswork [562] and study the culture before us. For example: the unbearably low position of the North Caucasian woman (*infra*, pp. 152—159) may have made her appear as inheritable chattel. After all, the family purchased her, paid a high price for her, and now she constitutes a part of the family property no less than do the horses, cows, and sheep. Moreover, as we have explained above (pp. 44 f), she is more than *ordinary* family property: she is the best family investment, for she is the "worker-producing" and especially the "boy-producing" organ on which depends the economic, religious, and social life of the family. This realization would only too naturally disincline the family to give her up after her husband's [591] death. As we shall see in the following chapter, mating is not a private affair; it is a strictly family affair, the prime purpose of marriage being the good of the family or sib. She, as it were, belongs more to the *family* that purchased her than to the individual member whose wife she is. Finally, if we consider the pre-Islamic, pre-Christian, and pre-Avestic religion of the mountaineers, we are almost forced to postulate such an institution as widow-inheritance. [775] The life beyond does not differ from the present, and consequently the departed will need his wife in the nether world just as much as in this life. (We shall have occasion to speak of posthumous marriages! Cf. *infra*, p. 85.) We shall even show that suttee was not unknown in North Caucasus (Cf. *infra*, [842] pp. 131 f). The wife therefore must remain in the family. Moreover, the deceased needs offspring, a large progeny, just as much after death as during life, for his happiness and honour in the other world depend upon the cult he receives from his descendents. The widow, therefore, must remain in the family and another member must "raise up seed for his brother" and "build up his brother's house." In other words, the levirate is not a survival of a *primitive* culture but rather an institution very intimately connected with the economic, social and religious life of a relatively highly developed culture such as that of pastoral peoples.

595 As a confirmation of what we have just now said about the origin of [842] Caucasian preferential mating, we wish to describe another institution, still found today in various parts of Caucasus, the so-called *snohačestvo*. A boy-child is married to an adult girl with whom the father may have sexual intercourse as freely as with his own wife. The father is considered as living in lawful concubinage with his son's wife and may do so until the child becomes of age. We wish to stress that this practice is a perfect parallel to widow inheritance. The father "must raise seed" for his son and "build up his house" till he is himself able to do so. The children born of this concubinage belong to the childhusband, sometimes half to him and half to the progenitor. This is

[20] Kovalevskij, *Coutume contemp.*, p. 181.

Chapter IV

Freedom of Choice

000 After we have shown which individuals are regarded as possible mates, we arrive at the second fundamental question: Who has the decisive word in selecting a definite mate from among the many possible ones? We shall have to answer such questions as: "Has the couple the decisive word?" "Has the young man more to say about his partner than the girl about hers?"

§ 1. THE RIGHT TO CHOOSE A MATE IN THEORY AND PRACTICE

584 The NORTHWEST CAUCASIANS, the Abkhaz and the Cherkess, regard [581] marriage as a family affair. It is not a contract between two *individuals* but between two *families*, joint-families or sibs. The male head of the household has the right to marry off his child to whomsoever he wishes.[1] He has the sole *right*; whether he *uses* that right or not is an entirely different matter.

When speaking about the actual practice we must make the necessary temporal and local distinctions. Before the Revolution the Kabardians, contrary to Hahn's superficial observations,[2] paid little attention to the wishes of their daughters, whereas the Shapsugs, Abadzekhs, and Bzhedukhs generally considered the girl's preferences and even tried to act accordingly. After the Revolution (1920), the Soviet régime refused to recognize any marriage unless it had been entered upon freely. To a large extent this legislation had the desired results, but not entirely, for compulsory marriages still occur today.[3]

Since there is less family interest in the girl than in the boy (the girl is married off into a *strange* family), it is not surprising that more consideration is given the future groom than the bride. But we do not wish to say that the [582] preferences of the male children are always regarded more than those of the female. Infant betrothal[4] has always been possible in Circassia and therefore there is no question of male children having a *right* to choose their mates. *De jure* both sexes are on the same level; *de facto* the wishes of the boys are generally complied with more than those of the girls.[5]

142 One can hardly pick up a book on the Cherkess without coming across a 583 paragraph or two about the unusual beauty of their women. Some authors go

[1] V. V. Vasil'kov, "Očerk byta temirgoevcev," SMOMPK, XXIX (1901), No. 1, p. 99.

[2] C. Hahn, *Kaukasische Reisen und Studien*, p. 39. The questioning of the bride was a mere formality.

[3] Ladyženskij, FT, p. 197. Castagné, *op. cit.*, 1929, No. 2, p. 259.

[4] N. Dubrovin, *Istorija*, I, i, p. 139.

[5] Ladyženskij, *l. c.*

p. 76 1 [sic -- Analyst]

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(1) This[1] is but another right from among the many that the male head of the family enjoys in a patriarchal society. The deeper reason for this monopoly is the fact that marriage is recognized by the *adats* as a family affair. 581 [584]

(2) Marriage is essentially an economic transaction and not so much a union between two lovers. Mutual attraction is not of paramount importance but rather the bride-price (*infra*, pp. 82—91), the social rank of the bride (*infra*, p. 90), her physical fitness for hard work (*infra*, pp. 156—159), her fertility and "capacity" to give birth to boys (*supra*, pp. 44 f, *infra*, p. 140), and her virginity (*infra*, p. 90). Not that love affairs do not occur among the mountaineers—even elopement is not rare (*infra*, pp. 96 f). What we wish to stress is that (especially formerly) the determining factor in deciding which individuals from among the many possible mates are to be married is, not love or sexual attraction, but the qualities just enumerated. This conception of an ideal wife fits perfectly into the culture of pastoral peoples.

(3) Since even the bride and groom have the same concept of an ideal match as the father, and since they realize that he can observe these qualities just as easily as they themselves, mating generally does not involve violence to the wishes of the partners.

1 [i.e., to arrange a marriage--Analyst]

583 to assume the character of a dowry, as it had tended much earlier in Daghestan. A bitter struggle is going on between ancient *adats*, the *šarī'a*, and Russian laws.

(3) *Kalym* (even in recent times) is generally high.

[585] (4) Everywhere except among the Ingiloi and the Chechens of Nazran (*supra*, pp. 84, 86) the *kalym* and *kebin* are much higher for a virgin than a non-virgin. Virginity therefore is one of the most important factors in determining the amount of bride wealth.

[614] (5) Generally the family or a larger social group as the sib or *tleusn* provide the necessary bride wealth. The groom never has to amass the *kalym* [581] himself, another fact clearly showing that mating is not a private affair.

(6) The *kebin* is found in all North Caucasia and Mohammedan neighbourhood.

[554] (7) Everywhere the social status of the partners is an important factor in determining the amount of *kalym* and *kebin*.[1]

The uniform evolution of the North Caucasian bride purchase is indeed striking. Originally all peoples of North Caucasus seem to have had actual bride purchase: the bride was actually sold and considered as a chattel. Then the bride-price began to lose its character of a purchase, a development contemporaneous with the spread of Islamism and Russian influence. Mohammedanism does not recognize bride purchase as such:[53] it recommends a bridal gift and prescribes the *kebin (mahr)* instead. The Russian Military Government in pre-Soviet times regarded bride purchase as a serious "abuse" and according to a decision of 1857 one third of the bride-price was to become the property of the bride as a form of social security.[54] Later the Soviet Government contributed its share in modifying the custom especially through industrialization, as we have seen is the case of the Cherkess living in the larger cities.[55]

583 554 That social rank should play such an imporant part in determing the amount of bride wealth (whether bride price, gifts or *kebin*) is quite natural, universal and in full accord with Islamic law.[56] In fact, according to Mohammedan teaching, the *wali mujbir* loses his right to marry his daughter or granddaughter against her will if the bride wealth does not correspond to the girl's social rank.[57]

Nowhere in the Caucasus has bride purchase been considered as something humiliating or degrading. After all, even the Cherkess princesses were purchased. The bride wealth corresponded to the social status and therefore added dignity to the purchase. Moreover, the higher the price the greater the social respect

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[53] Juynboll, *op. cit.*, p. 190. The *mahr* is also called *ṣakâk* in Islamic law.
[54] A. Dirr, AGKB, p. 124.
[55] *Supra*, p. 83.
[56] Juynboll, *op. cit.*, p. 215.
[57] *ibid.*

1 [i.e., bride-price and bride's security against divorce—Analyst]

583 of the Soviet Government on perfect freedom in mating, certainly contributed, especially psychologically, to the change from frequent marriage by capture to elopement.

An important problem, which perhaps will remain a problem for some time to come, is that regarding the origin of Caucasian marriage by capture. At least negatively we can unhesitatingly affirm that abduction is not a survival of *the* original form of marriage.[88] It seems rather to be the most logical result of marriage by purchase. The origin of the practice is more easily explained by high *kalym* rather than primitive "savagery." The main occasion for kidnapping a wife, formerly as well as in recent times, has always been the inability of the groom's family to amass the enormous bride wealth demanded.[89] The refusal of the girl's family to give her in marriage to her lover is often occasion for bride capture or elopement; but the ultimate reason for the refusal is almost always an economic one. When a sib or family cannot afford [581] the required *kalym*, the only means of acquiring a wife is to capture her. To remain unmarried is as unthinkable as the extinction of a family. When the *kalym* is too high, the lover, accompanied by his friends, organizes an attack, kidnaps the girl he loves, and generally deflowers her on the very first occasion. Even if afterwards the abducted girl be allowed to return to her family (and sometimes the *adats* insist on her return), she no longer can expect to find another husband. Her choice is therefore between remaining unmarried all her life or to be the wife of her capturer. Once the girl has been abducted, the young man has the girl's family, so to speak, at his mercy. To borrow Baddeley's words, "With the mountaineers the accomplished fact meant much. Once bedded, though not yet wedded, the quarrel, till then deadly, became, as a rule, mere matter for adjustment—mainly financial adjustment."[90] Her family realize that the girl has lost her economic value and that now, after all, the best thing to do is to let her ravisher have his way. To marry her off to another man would disgrace the family. The capturer has the upper hand and can set the *kalym* more or less according to his limited means.[91]

We do not deny the possibility of other motives for bride capture. We can very well imagine how an Ingush "dare-devil" might organize a raid and kidnap a girl just to prove his mettle.[92] We can also very well imagine how a romantic Kabardian might kidnap his beloved just to add a bit of zest and charm to courtship. But such motives are extremely rare and insignificant compared to the inability to pay the *kalym* demanded.

583 Although bride capture and elopement are general, as general as high *kalym* 583 and poverty, nowhere in the Caucasus are they regarded as a legitimate means. The *adats* of all Caucasians classify marriage by capture and elopement as an offense equal to murder. They are an offense against the bride's relatives, living

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[88] Cf. J. F. McLennan, *Studies in Ancient History*, pp. 9 ff.

[89] Cf. Dirr, AGKB, p. 125; Leontovič, II, p. 252, § 150; Jakovlev, *Ingуši*, pp. 52 f.

[90] Baddeley, *The Rugged Flanks of Caucasus*, II, p. 224, *note*.

[91] Cf. Günther, *op. cit.*, pp. 331—340; N. F. Grabovskij, "Očerk suda i ugolovnych prestuplenij v Kabardinskom okrugě," pp. 39, 41 f; Leontovič, II, p. 257, § 198; Leontovič, II, p. 118, § 18.

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584 It is worthy of note that most North Caucasian *adats* permit the suitor to dissolve the engagement, whereas the neighbouring Turkish peoples and the Ossetes do not. It would seem that those who permit the *male* partner to withdraw his promise at will stress the unilateral aspect of a betrothal; that is, the only one that incurs expenses is the suitor (or to be more exact, his family). If, then, the expenses are one-sided, the privileges and the obligations ought to be one-sided. Those who do not permit either partner to break the engagement seem to stress the bilateral aspect of a betrothal, namely, as soon as a girl is engaged she gives up all possibilities of marrying another man, perhaps even a better choice than the person to whom she is actually engaged. Moreover, this *mutual* obligation expresses the eagerness of the girl's family to secure a marriage for her before she becomes too old, when she would either have to remain a spinster or be sold at a lower price.

That the suitor actually acquires rights in the strictest sense of the word through betrothal is made very clear in the numerous *adats* which distinguish between an abduction of an engaged and a non-engaged girl, the former being considered a qualified crime. He enjoys the right of vengeance just as much as does the abducted girl's family.[82]

● [585] Finally, the fact that the Pshav girl must live with her would-be father-in-law after the death of her suitor confirms our repeated assertion that marriage is a *family* affair: the wife is acquired primarily for the good of the family.

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[82] See the various *adat* collections in the section on bride-stealing. Dubrovin, *Istorija*, I, p. 129.

Chapter VIII

Dissolution of Marriage

§ 1. BY DEATH

Marriages of widows and widowers are looked upon by all Caucasians as inferior to nuptials between partners who have never been married before. For example, the bride price for a widow is smaller than that for a maiden,[1] except among the Nazranian Chechens and the Ingiloi of Sakataly; or again, the very marriage ceremonies are simplified when one of the partners happens to be a widow or widower.[2] The Pshavs[3] and the Khevsurs[4] consider a second marriage shameful if the widow has a child, especially, as is the case with the Khevsurs, a son. Our present problem is: Are there any indications in ancient customary law that at one time not even death could dissolve the marriage bond?

1. Suttee

The custom of committing suttee on the funeral pyre was very probably a relatively widespread custom in the Caucasus in ages past. The funeral rites of today still bear traces of widows being burnt together with their husbands' corpses.[5] Al-Mas'ûdî, in his "Golden Meadows and Mines of Precious Stones" (A.D. 943) mentions that the Khazars of Caucasus "burn the dead with their cattle, instruments, and ornaments. If the husband dies, the wife is burnt alive together with the corpse of her husband."[6] An example of what might be a survival of widow cremation is the now meaningless but constantly repeated wail of the Ossetine widow, "I'll kill myself and cast myself into the fire," mentioned by Gatiev in his "Beliefs and Prejudices of the Ossetes."[7] Another possible vestige of former suttee is the custom of burying a plait of the widow's hair together with the corpse of her husband. Herodotus expressly mentions (ch. v.) that the Scythian women were eager to be immolated on the grave of their husbands. The probable existence of widow cremation in the

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[1] Cf. *supra*, Table, p. 89.

[2] Cf. *supra*, p. 121.

[3] Makalatija, "Iz starogo narodnogo byta pšavov," SE, 1938, No. 1, p. 110.

[4] Eristov, *op. cit.*, p. 113.

[5] R. Bleichsteiner, "Rossweihe und Pferderennen im Totenkult der kaukasischen Völker," *Wiener Beiträge*, IV (1936), p. 414. "Daß in längst verflossenen Zeiten die Frau ihrem dahingegangenen Gatten als Opfer nachgesendet wurde, dafür gibt es im Totenritual der Kaukasusvölker eine Reihe beachtenswerter Anhaltspunkte."

[6] Translation from Abich, Klaproth, Beschreibung der russ. Provinzen, etc., p. 197.

[7] Gatiev, *op. cit.*, p. 3.

581 764 Caucasus clearly shows that the peoples of North Caucasia believed that a marriage tie could continue in the next world. However, since we do not have the slightest evidence that suttee was *obligatory*, the most we can say is that *perhaps*, at one time, death could not dissolve marriage.

2. Levirate

58 587 Once an Ossetine woman was married, she was considered bound to her husband forever unless divorced, as is evident from the following remarkable facts. (1) The widow was not allowed to marry outside her husband's family; the father or brother or son of the deceased man was obliged to take her to wife, but this second marriage was considered merely a *continuation* of the first. (2) The children of the second marriage were regarded as the sons and daughters of the *deceased*. (3) The children received the name of the deceased. (4) If the [589] widow had no brother-in-law, father-in-law or step-son, she had to remain unmarried, or live in concubinage, the children born becoming the sons and daughters of the deceased, even the legal heirs of the deceased. The marriage and concubinage had only one purpose: to "raise seed" and "build up the house" of the deceased till the wife would once again join him in the other world. These facts seem to be sufficient proof for the indissolubility of marriage even by death! Unfortunately, we do not have such details about the ancient levirate of the other peoples living in the Caucasus. However, when treating of preferential mating we did find obligatory levirate among the Ingushi and came to the conclusion that most probably the levirate was formerly obligatory also among the other mountain tribes.[8] In a word, it is quite *possible* that at one time death did not dissolve a marital bond.

§ 2. BY DIVORCE

586 The *adats* of all mountain peoples of Caucasus permit divorce. When speaking of divorce we must make a very clear distinction between the rights of the *husband* and those of the *wife*, between a *valid* divorce and a *justifiable* divorce.

[849] The NORTHWESTERN CAUCASIANS. According to reports of the eigtheenth century, a wife might be desmissed in Abkhazia if she were "sterile," that is, if she did not give birth to a child before she was 30, or if she remained childless for five successive years.[9] However, a *valid* divorce is possible at will. The Temirgoi, for example, may divorce their wives "if they do not please their husbands."[10] Such is the case throughout Abkhazia and among the Cherkess today.[11] Although formerly the women in Northwest Caucasus were at a very great disadvantage in regard to divorce, today, they too may abandon their husbands without any special legal grounds. However, in such arbitrary

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[8] Cf. *supra*, p. 73.
[9] Reineggs, *op. cit.*, Part II, p. 9.
[10] Vasil'kov, "Očerk byta Temirgoevcev," SMOMPK, XXIX (1901), p. 101.
[11] Cf. Ladvlenskij, FT, p. 199.